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DATE: October 12, 2004

TOTAL # OF PAGES:  
(INCLUDING THIS COVER SHEET) 3TO: Mail Stop AMENDMENT  
Commissioner for Patents

FAX #: (703) 872-9306

ATTN: Examiner: William E. Tapolcai  
Art Unit: 3744

PHONE #: (703) 308-2640

FROM: Victor E. Johnson

FAX #: (415) 398-3249

PHONE #: (415) 781-1989

EMAIL: johnson.victor@dorseylaw.com

RE:

U.S. Patent Application No. 10/791,045 for  
*Thermally Powered VAV Diffuser And Control Assembly*  
Our Docket No. A-70851-1/RBC/VEJ (Our Matter No. 463671-00069)

## COMMENTS:

Kindly acknowledge receipt of the following documents by return facsimile:

1. This Fax Cover Sheet;
2. RESPONSE TO RESTRICTION REQUIREMENT.

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Attorney Docket No. A-70851-1/RBC/VEJ  
Attorney Matter No. 463671-00069  
Application No. 10/791,045

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert S. HUNKA

Application No. 10/791,045

Filed: March 1, 2004

For: THERMALLY POWERED VAV  
DIFFUSER AND CONTROL  
ASSEMBLY

Art Unit: 3744

Examiner: William E. Tapolcai

Docket No.: A-70851-1/RBC/VEJ

*Certificate of Transmission (37 C.F.R. § 1.8(a))**I hereby certify that this correspondence is being facsimile transmitted  
to the U.S. Patent and Trademark Office, Facsimile number (703) 572-  
9306 on 10-12-04.**Patricia A. Diehl*  
Patricia A. DiehlMail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This communication is responsive to the Restriction Requirement of September 24, 2004.  
The Examiner requires Applicant to elect one of the following groups of inventions identified by  
the Examiner:

Group I directed to a damper assembly with plural sensors; and

Group II directed to a damper member with roller elements.

Applicant hereby elects Group I, claims 39-43 and 47-51, without traverse.

The Examiner also requires Applicant to elect one of the following groups of species  
identified by the Examiner:

Species 1 directed to FIGS. 1-8; and

RESPONSE TO RESTRICTION  
REQUIREMENT

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(1153477)

PATENT

Attorney Docket No. A-70851-1/RBC/VEJ  
Attorney Matter No. 463671-00069  
Application No. 10/791,045

Species 2 directed to FIGS. 9-12.

Applicant hereby elects Species 2, without traverse. All pending claims are readable on the elected species. Claim 39 is generic.

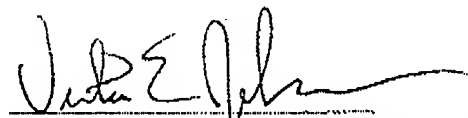
Prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 463671-00069; Docket No. A-70851-1/RBC/VEJ).

Respectfully submitted,

Date: 10/12/2004

By:

Victor E. Johnson, Reg. No. 41,546 /for/  
Robert B. Chickering, Reg. No. 24,286

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RESPONSE TO RESTRICTION  
REQUIREMENT

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